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PATENT APPLICATIONATTORNEY DOCKET NO. 10010089-1**IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor(s): Jeffrey Scott Weaver

Confirmation No.: 1736

Application No.: 10/085,713

Examiner: Vincent M. Randolph

Filing Date: February 28, 2002

Group Art Unit: 2626

Title: ENABLING PRINTING FEATURES FOR AUTHORIZED USERS

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEFTransmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on September 13, 2006.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

(a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

<input type="checkbox"/> 1st Month \$120	<input type="checkbox"/> 2nd Month \$450	<input type="checkbox"/> 3rd Month \$1020	<input type="checkbox"/> 4th Month \$1590
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The extension fee has already been filed in this application.

(b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$ 500. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

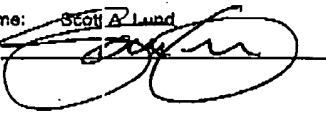
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Date of facsimile: November 13, 2006

Typed Name: Scott A. Lund

Signature: 

Respectfully submitted,

Jeffrey Scott Weaver

By

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NOV 13 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant:	Jeffrey Scott Weaver	Examiner:	Vincent M. Rudolph
Serial No.:	10/085,713	Group Art Unit:	2625
Filed:	February 28, 2002	Docket No.:	10010089-1
Title:	<u>ENABLING PRINTING FEATURES FOR AUTHORIZED USERS</u>		

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

This Appeal Brief is submitted in support of the Notice of Appeal filed September 13, 2006, appealing the rejection of claims 1 and 3-22 of the above-identified application as set forth in the Office Action mailed June 13, 2006.

The U.S. Patent and Trademark Office is hereby authorized to charge Deposit Account No. 08-2025 in the amount of \$500.00 for filing a Brief in Support of an Appeal as set forth under 37 C.F.R. § 41.20(b)(2). At any time during the pendency of this application, please charge any required fees or credit any overpayment to Deposit Account No. 08-2025.

Appellant respectfully requests reconsideration and reversal of the Examiner's rejection of pending claims 1 and 3-22.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant: Jeffrey Scott Weaver

Examiner: Vincent M. Rudolph

Serial No.: 10/085,713

Group Art Unit: 2625

Filed: February 28, 2002

Docket No.: 10010089-1

Title: ENABLING PRINTING FEATURES FOR AUTHORIZED USERS**CERTIFICATE OF TRANSMISSION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I hereby certify that the following papers are being facsimile transmitted to the U.S. Patent and Trademark Office, Fax No.: (571) 273-8300 on the date shown below:

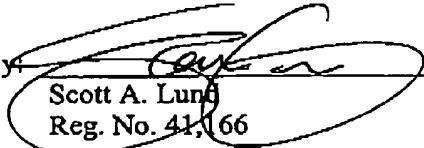
1. Transmittal Letter for Appeal Brief (1 pg.); and
2. Appeal Brief under 37 C.F.R. (23 pgs.)

Respectfully submitted,

Jeffrey Scott Weaver,

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25 PAGES - INCLUDING COVER PAGE

**Appeal Brief to the Board of Patent Appeals and Interferences
of the United States Patent and Trademark Office**

Appellant: Jeffrey Scott Weaver

Serial No.: 10/085,713

Filed: February 28, 2002

Docket No.: 10010089-1

Title: ENABLING PRINTING FEATURES FOR AUTHORIZED USERS

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Appeal Brief to the Board of Patent Appeals and Interferences**of the United States Patent and Trademark Office**

Appellant: Jeffrey Scott Weaver

Serial No.: 10/085,713

Filed: February 28, 2002

Docket No.: 10010089-1

Title: ENABLING PRINTING FEATURES FOR AUTHORIZED USERS

**RECEIVED
CENTRAL FAX CENTER****NOV 13 2006****REAL PARTY IN INTEREST**

The real party in interest is Hewlett-Packard Development Company, LP having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

RELATED APPEALS AND INTERFERENCES

Appellant submits that there are no related appeals or interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal.

STATUS OF CLAIMS

Claims 1 and 3-22 are pending in the application (see Claims Appendix), and are the subject of the present Appeal. Claim 2 was previously cancelled without prejudice.

Claims 1, 8, 10, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christopher US Patent No. 5,402,528.

Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christopher US Patent No. 5,402,528 in view of Francis US Patent No. 6,650,430.

Claims 5-7, 19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christopher US Patent No. 5,402,528 in view of Mazzagatte US Patent No. 6,862,583.

Claims 9 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christopher US Patent No. 5,402,528 in view of Bolash US Patent No. 6,151,041.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Christopher US Patent No. 5,402,528 in view of Herbert US Patent No. 6,212,505.

Claims 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christopher US Patent No. 5,402,528 in view of Herbert 6,212,505, and further in view of Mazzagatte US Patent No. 6,862,583.

Claims 17 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christopher US Patent No. 5,402,528 in view of Lee US Patent No. 6,804,027.

**Appeal Brief to the Board of Patent Appeals and Interferences
of the United States Patent and Trademark Office****Appellant:** Jeffrey Scott Weaver**Serial No.:** 10/085,713**Filed:** February 28, 2002**Docket No.:** 10010089-1**Title:** ENABLING PRINTING FEATURES FOR AUTHORIZED USERS**STATUS OF AMENDMENTS**

No amendments have been entered subsequent to the Office Action mailed June 13, 2006. The claims listed in the Claims Appendix, therefore, reflect the claims as of June 13, 2006.

SUMMARY OF THE CLAIMED SUBJECT MATTER

One aspect of the present invention, as claimed in independent claim 1, provides a method for enabling features of a printing device (110). The method includes requiring authorization of a user before enabling at least one feature of the printing device, receiving information to be printed such that the printing device is enabled to print the information to be printed without the at least one feature of the printing device being enabled, and receiving authorization information (160) of the user for use of the at least one feature of the printing device (see, e.g., Fig. 1; Fig. 6; page 11, line 10 - page 12, line 25). If the user is authorized to use the at least one feature, the method further includes retrieving enabling information (150) for the at least one feature of the printing device, and enabling the at least one feature of the printing device using the enabling information such that the information to be printed is printed using the at least one feature (see, e.g., Fig. 1; Fig. 6; page 11, line 10 - page 12, line 25).

One aspect of the present invention, as claimed in independent claim 10, provides a print system including a printing device (110) configured to receive information to be printed, and a feature-enabling system (100) communicated with the printing device with the feature-enabling system configured to require authorization of a user before at least one feature of the printing device is enabled, enable the printing device to print the information to be printed without the at least one feature of the printing device being enabled, and receive authorization information (160) of the user for use of the at least one feature of the printing device (see, e.g., Fig. 1; Fig. 6; page 11, line 10 - page 12, line 25). If the user is authorized to use the at least one feature, the feature-enabling system is configured to retrieve information (150) adapted to enable the at least one feature of the printing device, and enable the at least one feature of the printing device using the information retrieved such that the information to be printed is printed using the at least one feature (see, e.g., Fig. 1; Fig. 6; page 11, line 10 - page 12, line 25).

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Title: **ENABLING PRINTING FEATURES FOR AUTHORIZED USERS**

One aspect of the present invention, as claimed in independent claim 18, provides a computer readable medium for use with a printing device (110), with the computer readable medium including logic configured to require authorization of a user before at least one feature of the printing device is enabled, receive information to be printed and enable the printing device to print the information to be printed without the at least one feature of the printing device being enabled, and receive authorization information (160) of the user for use of the at least one feature of the printing device (see, e.g., Fig. 1; Fig. 6; page 11, line 10 - page 12, line 25). If the user is authorized to use the at least one feature, the logic is configured to retrieve information (150) adapted to enable the at least one feature of the printing device, enable the at least one feature of the printing device using the information retrieved, and print the information to be printed using the at least one feature (see, e.g., Fig. 1; Fig. 6; page 11, line 10 - page 12, line 25).

GROUNDΣ OF REJECTION TO BE REVIEWED ON APPEAL

Appellant seeks review of the rejection of claims 1, 8, 10, and 18 under 35 U.S.C. 103(a) as being unpatentable over Christopher US Patent No. 5,402,528.

Appellant seeks review of the rejection of claims 3-4 under 35 U.S.C. 103(a) as being unpatentable over Christopher US Patent No. 5,402,528 in view of Francis US Patent No. 6,650,430.

Appellant seeks review of the rejection of claims 5-7, 19, and 21 under 35 U.S.C. 103(a) as being unpatentable over Christopher US Patent No. 5,402,528 in view of Mazzagatte US Patent No. 6,862,583.

Appellant seeks review of the rejection of claims 9 and 20 under 35 U.S.C. 103(a) as being unpatentable over Christopher US Patent No. 5,402,528 in view of Bolash US Patent No. 6,151,041.

Appellant seeks review of the rejection of claim 16 under 35 U.S.C. 103(a) as being unpatentable over Christopher US Patent No. 5,402,528 in view of Herbert US Patent No. 6,212,505.

Appellant seeks review of the rejection of claims 11-15 under 35 U.S.C. 103(a) as being unpatentable over Christopher US Patent No. 5,402,528 in view of Herbert 6,212,505, and further in view of Mazzagatte US Patent No. 6,862,583.

**Appeal Brief to the Board of Patent Appeals and Interferences
of the United States Patent and Trademark Office**

Appellant: Jeffrey Scott Weaver

Serial No.: 10/085,713

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Title: ENABLING PRINTING FEATURES FOR AUTHORIZED USERS

Appellant seeks review of the rejection of claims 17 and 22 under 35 U.S.C. 103(a) as being unpatentable over Christopher US Patent No. 5,402,528 in view of Lee US Patent No. 6,804,027.

ARGUMENT

I. Rejections Under 35 U.S.C. §103

A. Applicable Law

Under 35 U.S.C. §103, the Examiner has the burden to establish a *prima facie* case of obviousness. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988).

Three criteria must be satisfied to establish a *prima facie* case of obviousness. First, the Examiner must show that some objective teaching in the prior art or some knowledge generally available to one of ordinary skill in the art would teach, suggest, or motivate one to modify a reference or to combine the teachings of multiple references. *Id.* Second, the prior art can be modified or combined only so long as there is a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Third, the prior art reference or combined prior art references must teach or suggest all of the claim limitations. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). These three criteria are also set forth in M.P.E.P. §706.02(j). Even when obviousness is based on a single reference, there must be a showing of suggestion or motivation to modify the teachings of that reference. *In re Kotzab*, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000).

In performing the obviousness inquiry under 35 U.S.C. §103, the Examiner must avoid hindsight. *In re Bond*, 910 F.2d 831, 834, 15 USPQ2d 1566, 1568 (Fed. Cir. 1990), *reh'g denied*, 1990 U.S. App. LEXIS 19971 (Fed. Cir. 1990).

B. Rejection of claims 1, 8, 10, and 18 under 35 U.S.C. §103(a)

Because the rejection of claims 1, 8, 10, and 18 under 35 U.S.C. 103(a) as being unpatentable over Christopher US Patent No. 5,402,528 fails to establish a *prima facie* case of obviousness, the rejection of claims 1, 8, 10, and 18 is not correct and should be withdrawn.

Independent claim 1 includes "requiring authorization of a user before enabling at least one feature of the printing device;" "receiving authorization information of the user for use of the at least one feature of the printing device;" "if the user is authorized

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to use the at least one feature, retrieving enabling information for the at least one feature of the printing device;" and "enabling the at least one feature of the printing device using the enabling information such that the information to be printed is printed using the at least one feature."

Independent claim 10 includes a feature-enabling system communicated with the printing device, wherein the feature-enabling system is configured to "require authorization of a user before at least one feature of the printing device is enabled;" "receive authorization information of the user for use of the at least one feature of the printing device;" "if the user is authorized to use the at least one feature, retrieve information adapted to enable the at least one feature of the printing device;" and "enable the at least one feature of the printing device using the information retrieved such that the information to be printed is printed using the at least one feature."

Independent claim 18 includes logic configured to "require authorization of a user before at least one feature of the printing device is enabled;" "receive authorization information of the user for use of the at least one feature of the printing device;" "if the user is authorized to use the at least one feature, retrieve information adapted to enable the at least one feature of the printing device;" "enable the at least one feature of the printing device using the information retrieved;" and "print the information to be printed using the at least one feature."

The Examiner contends that the Christopher patent discloses enabling features of a printing device and contends that the Christopher patent includes receiving information to be printed such that the printing device is enabled to print the information regardless if at least one feature of the printing device is enabled or not, and contends that the Christopher patent discloses that the printer then receives the at least one feature of the printing device and retrieves the enabling information so that the printer enables the at least one feature when outputting the document (Office Action mailed June 13, 2006, page 2).

The Examiner recognizes, however, that the Christopher patent does not disclose requiring authorization of a user before enabling at least one feature of the printing device or receiving authorization information of a user (Office Action mailed June 13, 2006, page 2). As such, the Examiner contends that it is known in the art to require authorization of a user in order to let them change or enable certain settings (Office Action mailed June 13, 2006, page

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2). Accordingly, the Examiner suggests that it would have been obvious to one of ordinary skill in the art at the time the invention was made to require and receive a type of authorization information of a user, such as a password or a pin number, in order to enable a feature within the printer (Office Action mailed June 13, 2006, page 2-3).

With respect to the Christopher patent, the Christopher patent discloses a hand-held labeler (30) including optional operations including: (1) gun configuring; (2) port configuring; (3) enable/disable date; (4) limiting the label count; (5) setting the scanner type; (6) on-line downloading/uploading of data; (7) selecting a currency symbol; (8) defining cost codes; (9) defining check digits; (10) selecting prompt language; (11) gun to gun transfers; (12) storing and forwarding data; (13) format initialization; (14) enabling formats; (15) configuring formats; and (16) automatic shut off (col. 5, lines 36-51). The Christopher patent, however, does not require authorization of a user before the optional operations are enabled, does not receive authorization information of the user for use of the optional operations, does not if the user is authorized to use the optional operations, retrieve information for enabling the optional operations, and does not enable the optional operations using the retrieved enabling information such that information to be printed is printed using the optional operations.

Appellant notes that it is never appropriate to rely solely on "common knowledge" in the art without evidentiary support in the record, as the principal evidence upon which a rejection was based. *In re Zurko*, 258 F.3d 1379, 1385, 59 USPQ2d 1693, 1697 (Fed. Cir. 2001). Ordinarily, there must be some form of evidence in the record to support an assertion of common knowledge. See *In re Lee*, 277 F.3d 1338, 1344-45, 61 USPQ2d 1430, 1434-35 (Fed. Cir. 2002); *Zurko*, 258 F.3d at 1386, 59 USPQ2d at 1697 (holding that general conclusions concerning what is "basic knowledge" or "common sense" to one of ordinary skill in the art without specific factual findings and some concrete evidence in the record to support these findings will not support an obviousness rejection).

In this instance, Appellant submits that the Examiner's contention that it is known in the art to require authorization of a user in order to let them change or enable certain settings must be supported in the record. More importantly, Appellant submits that entering a password to enter the gun configuration operation (1) of the hand-held labeler 30 of the

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Christopher patent does not encompass requiring authorization of a user before an optional operation that is used to print the information to be printed is enabled.

Even if, arguendo, it would have been obvious to one of ordinary skill in the art at the time the invention was made to require and receive a type of authorization information of a user, such as a password or a pin number, in order to enable a feature within the printer, as suggested by the Examiner, the Christopher patent does not, if the user is authorized to use the optional operations, retrieve information for enabling the optional operations, and does not enable the optional operations using the retrieved enabling information such that information to be printed is printed using the optional operations.

In view of the above, Appellant submits that the Examiner has not established a *prima facie* case of obviousness of independent claims 1, 10, and 18, and submits that independent claims 1, 10, and 18 are each patentably distinct from the Christopher patent. Furthermore, as dependent claim 8 further defines patentably distinct claim 1, Appellant submits that dependent claim 8 is also patentably distinct from the Christopher patent. Appellant, therefore, respectfully submits that the rejection of claims 1, 8, 10, and 18 under 35 U.S.C. §103(a) is not correct and should be withdrawn, and submits that claims 1, 8, 10, and 18 should be allowed.

C. Rejection of claims 3-4 under 35 U.S.C. §103(a)

Because the rejection of claims 3-4 under 35 U.S.C. 103(a) as being unpatentable over Christopher US Patent No. 5,402,528 in view of Francis US Patent No. 6,650,430 fails to establish a *prima facie* case of obviousness, the rejection of claims 3-4 is not correct and should be withdrawn.

Regarding the rejection of claims 3-4 under 35 U.S.C. 103(a), Appellant notes that to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Furthermore, if an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Claims 3-4 depend from independent claim 1 and, as such, each include all of the limitations of independent claim 1. As outlined above, Appellant submits that the Christopher patent does not require authorization of a user before the optional operations are

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enabled, does not receive authorization information of the user for use of the optional operations, does not, if the user is authorized to use the optional operations, retrieve information for enabling the optional operations, and does not enable the optional operations using the retrieved enabling information such that information to be printed is printed using the optional operations.

In view of the above, Appellant submits that the Examiner has not established a *prima facie* case of obviousness of claims 3-4. Appellant, therefore, respectfully submits that the rejection of claims 3-4 under 35 U.S.C. §103(a) is not correct and should be withdrawn, and that claims 3-4 should be allowed.

D. Rejection of claims 5-7, 19, and 21 under 35 U.S.C. §103(a)

Because the rejection of claims 5-7, 19, and 21 under 35 U.S.C. 103(a) as being unpatentable over Christopher US Patent No. 5,402,528 in view of Mazzagatte US Patent No. 6,862,583 fails to establish a *prima facie* case of obviousness, the rejection of claims 5-7, 19, and 21 is not correct and should be withdrawn.

Regarding the rejection of claims 5-7, 19, and 21 under 35 U.S.C. 103(a), Appellant notes that to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Furthermore, if an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Claims 5-7 depend from independent claim 1, and claims 19 and 21 depend from independent claim 13 and, as such, each include all of the limitations of the respective independent claim. As outlined above, Appellant submits that the Christopher patent does not require authorization of a user before the optional operations are enabled, does not receive authorization information of the user for use of the optional operations, does not, if the user is authorized to use the optional operations, retrieve information for enabling the optional operations, and does not enable the optional operations using the retrieved enabling information such that information to be printed is printed using the optional operations.

In view of the above, Appellant submits that the Examiner has not established a *prima facie* case of obviousness of claims 5-7, 19, and 21. Appellant, therefore, respectfully

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submits that the rejection of claims 5-7, 19, and 21 under 35 U.S.C. §103(a) is not correct and should be withdrawn, and that claims 5-7, 19, and 21 should be allowed.

E. Rejection of claims 9 and 20 under 35 U.S.C. §103(a)

Because the rejection of claims 9 and 20 under 35 U.S.C. 103(a) as being unpatentable over Christopher US Patent No. 5,402,528 in view of Bolash US Patent No. 6,151,041 fails to establish a *prima facie* case of obviousness, the rejection of claims 9 and 20 is not correct and should be withdrawn.

Regarding the rejection of claims 9 and 20 under 35 U.S.C. 103(a), Appellant notes that to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Furthermore, if an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Claim 9 depends from independent claim 1 and claim 20 depends from independent claim 18 and, as such, each include all of the limitations of the respective independent claim. As outlined above, Appellant submits that the Christopher patent does not require authorization of a user before the optional operations are enabled, does not receive authorization information of the user for use of the optional operations, does not, if the user is authorized to use the optional operations, retrieve information for enabling the optional operations, and does not enable the optional operations using the retrieved enabling information such that information to be printed is printed using the optional operations.

In view of the above, Appellant submits that the Examiner has not established a *prima facie* case of obviousness of claims 9 and 20. Appellant, therefore, respectfully submits that the rejection of claims 9 and 20 under 35 U.S.C. §103(a) is not correct and should be withdrawn, and that claims 9 and 20 should be allowed.

F. Rejection of claim 16 under 35 U.S.C. §103(a)

Because the rejection of claim 16 under 35 U.S.C. 103(a) as being unpatentable over Christopher US Patent No. 5,402,528 in view of Herbert US Patent No. 6,212,505 fails to establish a *prima facie* case of obviousness, the rejection of claim 16 is not correct and should be withdrawn.

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Dependent claim 16 includes "a print cartridge containing a print substance for printing on a print medium, the print cartridge having a readable identification tag for providing identification information," and "an identification reader configured to receive the identification information from the readable identification tag, wherein, if the identification information corresponds to the printing device, the identification reader enables the printing device to print."

The Examiner recognizes that the Christopher patent does not disclose a printing device including an identification reader and a readable identification tag that is in the print cartridge to provide identification information as well as an identification reader to receive the identification information from the identification tag such that if it corresponds to the printing device, the reader enables the printing device to print (Office Action mailed June 13, 2006, page 9). As such, the Examiner contends that the Herbert patent discloses a printing device using an identification tag, or a smart device, on a cartridge to communicate with a sensor port connected to the identification reader, or a microprocessor, where the identification reader, or microprocessor, receives the first information, or data, from the identification tag, or the smart device, and if this data corresponds correctly and is recognized by the microprocessor, it enables the printing device to print (Office Action mailed June 13, 2006, page 9). Accordingly, the Examiner suggests that it would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to have an identification tag on a cartridge disclosed by Herbert and incorporated into the print system of Christopher because this ensures the print cartridges are correctly used by the authorized user (Office Action mailed June 13, 2006, page 9).

With respect to the Herbert patent, the Herbert patent discloses a postage meter including reading means to read a unique identification of a printing device installed in the postage meter to determine whether the printing device is authorized for use in the postage meter, wherein the postage meter is operable to print postage indicia only if the printing device is authorized for use in the postage meter (see Abstract). The postage meter of the Herbert patent, therefore, is not enabled to print information without the printing device being enabled.

Independent claim 1, however, includes "receiving information to be printed such that the printing device is enabled to print the information to be printed without the at least one

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feature of the printing device being enabled," independent claim 10 provides that the feature-enabling system is configured to "enable the printing device to print the information to be printed without the at least one feature of the printing device being enabled," and independent claim 18 provides that the logic is configured to "receive information to be printed and enable the printing device to print the information to be printed without the at least one feature of the printing device being enabled." Independent claims 1, 10, and 18, therefore, each print the information to be printed without the at least one feature of the printing device being enabled.

The postage meter of the Herbert patent, however, is not enabled to print information without the printing device being enabled. Rather, the postage meter of the Herbert patent is operable to print postage indicia only if the printing device is authorized for use in the postage meter. Thus, incorporating the teachings of the Herbert patent into the Christopher patent would suggest that the hand-held labeler 30 of the Christopher patent would not print without the at least one feature of the printing device being enabled. Independent claims 1, 10, and 18, however, each print the information to be printed without the at least one feature of the printing device being enabled.

In addition, Appellant notes that to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Furthermore, if an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Claim 16 depends from independent claim 10 and, as such, includes all of the limitations of independent claim 10. As outlined above, Appellant submits that the Christopher patent does not require authorization of a user before the optional operations are enabled, does not receive authorization information of the user for use of the optional operations, does not, if the user is authorized to use the optional operations, retrieve information for enabling the optional operations, and does not enable the optional operations using the retrieved enabling information such that information to be printed is printed using the optional operations.

In view of the above, Appellant submits that the Examiner has not established a *prima facie* case of obviousness of claim 16. Appellant, therefore, respectfully submits that the

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rejection of claim 16 under 35 U.S.C. §103(a) is not correct and should be withdrawn, and that claim 16 should be allowed.

G. Rejection of claims 11-15 under 35 U.S.C. §103(a)

Because the rejection of claims 11-15 under 35 U.S.C. 103(a) as being unpatentable over Christopher US Patent No. 5,402,528 in view of Herbert 6,212,505, and further in view of Mazzagatte US Patent No. 6,862,583 fails to establish a *prima facie* case of obviousness, the rejection of claims 11-15 is not correct and should be withdrawn.

Regarding the rejection of claims 11-15 under 35 U.S.C. 103(a), Appellant notes that to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Furthermore, if an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Claims 11-15 depend from dependent claim 16 and independent claim 1 and, as such, each include all of the limitations of dependent claim 16 and independent claim 1. As outlined above, Appellant submits that the Christopher patent does not require authorization of a user before the optional operations are enabled, does not receive authorization information of the user for use of the optional operations, does not, if the user is authorized to use the optional operations, retrieve information for enabling the optional operations, and does not enable the optional operations using the retrieved enabling information such that information to be printed is printed using the optional operations, and submits that the combination of the Christopher patent and the Herbert patent does not provide a print cartridge containing a print substance for printing on a print medium, the print cartridge having a readable identification tag for providing identification information, and does not provide an identification reader configured to receive the identification information from the readable identification tag, wherein, if the identification information corresponds to the printing device, the identification reader enables the printing device to print.

In view of the above, Appellant submits that the Examiner has not established a *prima facie* case of obviousness of claims 11-15. Appellant, therefore, respectfully submits that the rejection of claims 11-15 under 35 U.S.C. §103(a) is not correct and should be withdrawn, and that claims 11-15 should be allowed.

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H. Rejection of claims 17 and 22 under 35 U.S.C. §103(a)

Because the rejection of claims 17 and 22 under 35 U.S.C. 103(a) as being unpatentable over Christopher US Patent No. 5,402,528 in view of Lee US Patent No.

6,804,027 fails to establish a *prima facie* case of obviousness, the rejection of claims 17 and 22 is not correct and should be withdrawn.

Regarding the rejection of claims 17 and 22 under 35 U.S.C. 103(a), Appellant notes that to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Furthermore, if an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Claim 17 depends from independent claim 10 and claim 22 depends from independent claim 1 and, as such, each include all of the limitations of the respective independent claim. As outlined above, Appellant submits that the Christopher patent does not require authorization of a user before the optional operations are enabled, does not receive authorization information of the user for use of the optional operations, does not, if the user is authorized to use the optional operations, retrieve information for enabling the optional operations, and does not enable the optional operations using the retrieved enabling information such that information to be printed is printed using the optional operations.

In view of the above, Appellant submits that the Examiner has not established a *prima facie* case of obviousness of claims 17 and 22. Appellant, therefore, respectfully submits that the rejection of claims 17 and 22 under 35 U.S.C. §103(a) is not correct and should be withdrawn, and that claims 17 and 22 should be allowed.

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CONCLUSION

For the above reasons, Appellant respectfully submits that the art of record neither anticipates nor renders obvious the claimed invention. Thus, the claimed invention does patentably distinguish over the art of record. Appellant, therefore, respectfully submits that the above rejections are not correct and should be withdrawn, and respectfully requests that the Examiner be reversed and that all pending claims be allowed.

Any inquiry regarding this Appeal Brief should be directed to either Nathan Rieth at Telephone No. (208) 396-5287, Facsimile No. (208) 396-3958 or Scott A. Lund at Telephone No. (612) 573-2006, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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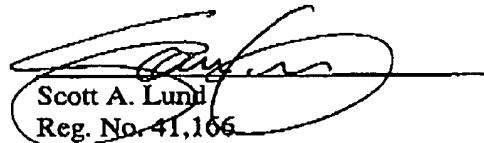
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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (571) 273-8300 on this 13th day of November, 2006.

By 
Name: Scott A. Lund

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1. (Previously Presented) A method for enabling features of a printing device, said method comprising:

requiring authorization of a user before enabling at least one feature of the printing device;

receiving information to be printed such that the printing device is enabled to print the information to be printed without the at least one feature of the printing device being enabled;

receiving authorization information of the user for use of the at least one feature of the printing device;

if the user is authorized to use the at least one feature, retrieving enabling information for the at least one feature of the printing device; and

enabling the at least one feature of the printing device using the enabling information such that the information to be printed is printed using the at least one feature.

2. (Cancelled)

3. (Previously Presented) The method of claim 1, further comprising:

providing a user authorization tag including the authorization information of the user; and

wherein receiving the authorization information of the user is accomplished when the user authorization tag is in a proximity of the printing device.

4. (Previously Presented) The method of claim 1, further comprising:

determining whether the authorization information of the user is being received; and

discontinuing printing of the information to be printed using the at least one feature if the authorization information of the user is not being received.

5. (Previously Presented) The method of claim 1, wherein retrieving the enabling information for the at least one feature comprises:

accessing a storage medium external to the printing device; and

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-
- retrieving the enabling information from the storage medium.
6. (Original) The method of claim 5, wherein the storage medium is a Web site.
7. (Original) The method of claim 5, further comprising:
providing the storage medium.
8. (Previously Presented) The method of claim 1, wherein the enabling information for the at least one feature is stored by the printing device.
9. (Original) The method of claim 1, further comprising:
receiving identification information corresponding to a print cartridge of the printing device;
determining whether the identification information corresponding to the print cartridge is associated with the printing device; and
if the identification information corresponding to the print cartridge is not associated with the printing device, notifying the user that the print cartridge may not be associated with the printing device.
10. (Previously Presented) A print system comprising:
a printing device configured to receive information to be printed; and
a feature-enabling system communicated with the printing device, the feature-enabling system configured to:
require authorization of a user before at least one feature of the printing device is enabled;
enable the printing device to print the information to be printed without the at least one feature of the printing device being enabled;
receive authorization information of the user for use of the at least one feature of the printing device;
if the user is authorized to use the at least one feature, retrieve information adapted to enable the at least one feature of the printing device; and

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enable the at least one feature of the printing device using the information retrieved such that the information to be printed is printed using the at least one feature.

11. (Previously Presented) The print system of claim 16, wherein the identification reader includes a receiver, the receiver being adapted to receive the authorization information of the user via wireless communication.

12. (Previously Presented) The print system of claim 16, wherein the identification reader includes means for receiving information via wireless communication.

13. (Previously Presented) The print system of claim 16, further comprising:
a user authorization tag adapted to communicate with the identification reader via wireless communication, the user authorization tag including a memory, the memory storing the authorization information of the user.

14. (Previously Presented) The print system of claim 13, wherein the user authorization tag includes information configured to enable the feature-enabling system to retrieve the information adapted to enable the at least one feature of the printing device.

15. (Previously Presented) The print system of claim 13, wherein the user authorization tag includes a Uniform Resources Locator corresponding to the information adapted to enable the at least one feature of the printing device.

16. (Previously Presented) The print system of claim 10, wherein the printing device comprises:

a print cartridge containing a print substance for printing on a print medium, the print cartridge having a readable identification tag for providing identification information; and
an identification reader configured to receive the identification information from the readable identification tag, wherein, if the identification information corresponds to the printing device, the identification reader enables the printing device to print.

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17. (Previously Presented) The print system of claim 10, wherein the at least one feature is one of: a half-toning algorithm, a font, a digital signature and a photo algorithm.

18. (Previously Presented) A computer readable medium for use with a printing device, said computer readable medium comprising:

logic configured to:

require authorization of a user before at least one feature of the printing device is enabled;

receive information to be printed and enable the printing device to print the information to be printed without the at least one feature of the printing device being enabled;

receive authorization information of the user for use of the at least one feature of the printing device;

if the user is authorized to use the at least one feature, retrieve information adapted to enable the at least one feature of the printing device;

enable the at least one feature of the printing device using the information retrieved; and

print the information to be printed using the at least one feature.

19. (Previously Presented) The computer readable medium of claim 18, further comprising:

logic configured to access a Web site; and

logic configured to retrieve the information adapted to enable the at least one feature from the Web site.

20. (Original) The computer readable medium of claim 18, further comprising:

logic configured to determine whether identification information corresponding to a print cartridge is associated with the printing device; and

logic configured to notify the user if the identification information corresponding to the print cartridge is not associated with the printing device.

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21. (Previously Presented) The computer readable medium of claim 18, further comprising:

logic configured to determine whether the authorization information of the user is being received; and

logic configured to discontinue printing by the printing device using the at least one feature if the authorization information of the user is not being received.

22. (Previously Presented) The method of claim 1, wherein the at least one feature is one of: a half-toning algorithm, a font, a digital signature and a photo algorithm.

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EVIDENCE APPENDIX

None.

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RELATED PROCEEDINGS APPENDIX

None.